IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3354 OF 2004

Ravindra Tulsiram Patil .. Applicant.

Vs.

State of Maharashtra .. Respondent.

Mr.N.V.Sawant for the applicant.

Mr.V.B.Konde-Deshmukh APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 16TH AUGUST, 2004

P.C.:

. Heard Mr.Sawant, learned counsel for the applicant and Mr.Konde-Deshmukh, learned A.P.P. for the respondent.

2. This application under section 438 of the Criminal Procedure Code is filed in C.R.No.92 of 2004 registered at Vishnu Nagar police station, Dombivali mainly under section 302 of I.P.C. The offence has been registered against 22 accused at the instance of one Dharmesh Chalke. The occurence took place on 26.6.2004, in which the father of the complainant was allegedly killed by the accused

persons.

3. It is the prosecution case that on 22.6.2004 i.e. 4 days prior to the alleged occurrence one Varsha, wife of Chandrashekar Chalke, committed suicide for which the crime under sections 498, 306 r/w 34 of I.P.C. came to be registered against Dharmesh Chalke, complainant in the present case, and his other family members. Husband of deceased - Varsha and the complainant-Dharmesh are real brothers. The alleged incident occurred in two parts. First part of the incident was at the house of the parents of deceased-Varsha, when her dead body was brought and the second part of the occurrence took place at Crematory. In the first part of the occurrence the deceased was manhandled by all the accused. Thereafter, at the crematory they allegedly assaulted the deceased with fist and kick blows and with a wooden log. The statement of the complainant reveals that after the assault was given to his father at Crematory, he was taken by the co-accused - Dr.Rahul Palshetkar, Vinod Sawant and Nishikant in auto rickshaw when he was alive and thereafter his dead body was found near Railway bridge. I have perused the order by which the

application for bail has been rejected by the trial court and the other material placed before me. In this case chargesheet has already been filed. I have perused the statements of various witnesses. There does not seem to be any dispute that the applicant was not holding any weapon and he assaulted the deceased with the said weapon. As a matter of fact the deceased was alive when he was taken in auto rickshaw by Dr.Rahul Palshetkar and others. There are only general allegations made against the present applicant. Keeping that in view and the overall facts and circumstances of the case and the nature of allegations against the applicant, I am inclined to grant this application for anticipatory bail.

4. The applicant is directed to be enlarged on bail, in the event of his arrest, in C.R.No. 92 of 2004 registered at Vishnu Nagar police station, Dombivali on his furnishing a personal bond of Rs.10,000/- with one or two sureties of the like amount to the satisfaction of the Station Officer of concerned police, subject to condition that he shall report the concerned police station everyday between 6 pm and 7 pm for a period of seven working days commencing from 18.8.2004 and thereafter on

every Sunday between 10 am and 11 am for a period of two months.

. The application is disposed of.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

(D.B.Bhosale, J.)